

Appendix D

Intergovernmental Review and Coordination



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

October 23, 2002

Mr. J. Bennett Graham
Tennessee Valley Authority
Cultural Resources
Post Office Box 1589
Norris, Tennessee 37828-1589

RE: TVA, ARCHAEOLOGICAL ASSESSMENT, FORREST CROSSING DEVELOPMENT,
UNINCORPORATED, DECATUR COUNTY,

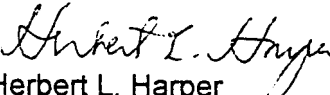
Dear Mr. Graham:

At your request, documentation regarding the above-referenced undertaking in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Our office concurs with your Agency that the entire proposed development constitutes the area of potential effect (APE) for this undertaking. We further concur with the proposed scope of work for archaeological investigation of the APE and that the initial survey did not complete the terms of this scope of work.

Upon receipt of the revised survey report, we will complete our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is not funded or is canceled by the federal agency. Questions and comments may be directed to Jennifer M. Barnett (615) 741-1588, ext. 17.

Your cooperation is appreciated.

Sincerely,


Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jmb

January 21, 2003

Ms. Jennifer Barnett
Tennessee Division of Archaeology
5103 Edmonson Pike
Nashville, TN 37211

TVA, ARCHAEOLOGICAL ASSESSMENT, FORREST CROSSING
DEVELOPMENT, UNINCORPORATED, DECATUR COUNTY

Dear Ms. Barnett:

Dr. James Lee has submitted a permit request to TVA for a permanent easement across TVA fee-owned property in order to access his 40 acre Forrest Crossing Development tract. An additional request has been submitted for the construction of a road, underground utility line, and aerial electric line across the property and for the installation of approximately 3100 linear feet of riprap for bank stabilization. A Phase I survey was conducted by Mr. John Matthews of Greenhouse Consultants, Inc. to determine if any potentially eligible historic properties were present within the 40 acre Area of Potential Effect as well as the 0.29 acres of TVA fee-owned land included in the easement. The initial draft report failed to meet the the Scope of Work (SOW) submitted by TVA. In consultation with your office (letters dated October 18 and 23, 2002), TVA requested additional testing and report revisions for the project. Specifically, our initial concern was that Greenhouse Consultants, Inc. failed to identify the potential for buried deposits as was requested in the SOW document submitted to your office in our October 18th letter. We also disagreed with Mr. Matthews' recommendations of eligibility status for both 40DR102 and 40DR226.

Our office has received a copy of the revised draft report titled "Cultural Resources Survey, Archaeological Testing and Geomorphic/Geoarchaeological Field Assessment Forrest Crossing Real Estate Development Kentucky Lake, Decatur County, Tennessee." In response to our request, buried site testing was conducted by Dr. Sarah Sherwood of the University of Tennessee under contract with Greenhouse Consultants, Inc. for the entire 40 acre tract. This assessment confirmed that buried archaeological deposits are present at 40DR226 and are likely to be present in other areas along the river terrace. Dr. Sherwood's report is included as an appendix to the enclosed report. Based on this initial assessment, Dr. Sherwood recommended that buried site testing be conducted along this terrace prior to any ground disturbing activity that might take place as a result of this development.

Based on the results of the geomorphological assessment, Mr. Matthews has recommended 40DR226 eligible for the National Register of Historic Places (NRHP) and that Phase II testing be conducted to determine the exact boundaries of the site. He recommended 40DR102 as ineligible based on his initial testing and field observations. His final recommendation was that no further work was necessary on the remaining portion of the property (outside the boundary of 40DR226).

TVA has reviewed the report and disagrees with the following findings and determinations by the report author:

- *40DR102 is not eligible for listing in the NRHP due to erosion and agricultural use.* TVA has determined that 40DR102 may contain buried site deposits as it is located along the terrace identified by Dr. Sherwood as having the potential to yield deeply buried archaeological deposits. Based on these findings, TVA has determined that further testing will be required to determine the eligibility status of 40DR102.
- *No additional sites are present within the project's APE.* Trenches excavated by Dr. Sherwood identified additional buried archaeological deposits in Trench 5 (see Figure 12 of Appendix A to the report).
- *No further work would need to be conducted on the remaining portion of the property (outside of 40DR226).* Testing conducted by Dr. Sherwood identified the potential for buried deposits to be present along the entire length of the river terrace (all portions of the property other than the area designated in yellow on Figure 12 of Appendix A of the report).

TVA agrees with the author that 40DR226 is eligible for the NRHP and should be avoided. Phase II testing will be required to determine the exact boundaries of the site. We further agree with Dr. Sherwood's recommendation that all areas identified as having a potential for buried deposits should be further tested to identify all buried sites present within the APE for the project.

TVA has determined that the proposed 3100 linear feet of linear riprap will have no effect on historic properties under the following conditions:

- No bank reshaping is conducted.
- Any vegetation removed would be cut above ground and by hand.
- Work is conducted in dry soil conditions.

We have determined that the proposed development (i.e road construction, buried utilities, and aerial lines as well as any future activities that may occur as a result of this development) has the potential to affect potentially eligible site 40DR102, eligible site 40DR226 as well as additional buried sites they might be present within the APE. Deep testing will be required to determine if additional archaeological sites are present within the project area.

Pursuant to 36 CFR § 800.4(b)(2), TVA recommends that a phased process to conduct identification, evaluation efforts, and treatment measures would be put into place for archaeological sites within a revised APE (see Figure 1). It is our opinion that execution of these efforts would best be implemented under a Memorandum of Agreement (MOA). Although initial Phase I testing has identified two archaeological sites present within the APE, additional identification level survey (i.e. buried site testing) will need to be conducted to determine if additional sites are present. Phased identification and evaluation efforts would be implemented in consultation with your office and other consulting parties under the proposed MOA.

By this letter, we are seeking your concurrence with our determinations regarding the findings and recommendations of the enclosed report, the proposed phased process to identify and evaluate historic properties present within a revised APE, and the execution of a MOA to ensure the conduct of that phased process.

If you have any questions or comments, please contact Erin Pritchard (865) 632-1753 or myself (865) 632-1583.

Sincerely,

J. Bennett Graham
Manager and
Senior Archaeologist
Cultural Resources

ENCLOSURES

cc: Dr. James Lee
c/o Wood Law Offices, PC
P.O. Box 626
Parsons, Tennessee 38363

Mr. Barry Greenehouse
Greenehouse Consultants, Inc.
6110 River Chase Circle
Atlanta, Georgia 30328

Mr. John Matthews
Greenehouse Consultants, Inc.
Mid-South Region
280 Palmer Road
Lexington, Tennessee 38351



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

January 27, 2003

Mr. J. Bennett Graham
Tennessee Valley Authority
Cultural Resources
Post Office Box 1589
Norris, Tennessee 37828-1589

RE: TVA, FORREST CROSSING DEVELOPMENT, UNINCORPORATED, DECATUR COUNTY

Dear Mr. Graham:

Pursuant to your request, this office has reviewed revised survey report and additional documentation received Friday, January 24, 2003 concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering available information, we concur that:

1. Site 40DR226 contains National Register eligible archaeological resources that may be adversely affected by the proposed undertaking.
2. The revised survey report is in need of additional revision that takes into account the findings of Dr. Sherwood's geomorphological testing.
3. Additional deep testing is warranted in the areas identified by Dr. Sherwood as having the potential to contain intact buried archaeological deposits.
4. Sites 40DR102 and 40DR226 require additional testing to identify the presence and/or extent of buried intact archaeological deposits.
5. Phased compliance is an appropriate strategy for meeting your agency's Section 106 obligations for this undertaking.
6. A Memorandum of Agreement should be developed in consultation with all consulting parties that outlines the phased approach Section 106 compliance and the effects of the undertaking on historic properties within the area of potential effect.

Please provide this office with documentation of consultation with all potential consulting parties, including Native American Tribes. Please direct questions and comments to Jennifer M. Barnett (615 741-1588 ext. 17). We appreciate your continued cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jmb

January 27, 2003

The Honorable Bill Anoatubby
Governor of the Chickasaw Nation
Post Office Box 1548
Ada, Oklahoma 74821-1548

**TVA, ARCHAEOLOGICAL ASSESSMENT, FORREST CROSSING
DEVELOPMENT, UNINCORPORATED, DECATUR COUNTY**

Dear Governor Anoatubby:

Dr. James Lee has submitted a permit request to TVA for a permanent easement across TVA fee-owned property in order to access his 40 acre Forrest Crossing Development tract. An additional request has been submitted for the construction of a road, underground utility line, and aerial electric line across the property and for the installation of approximately 3100 linear feet of riprap for bank stabilization. A Phase I survey was conducted by Mr. John Matthews of Greenhouse Consultants, Inc. to determine if any potentially eligible historic properties were present within the 40 acre Area of Potential Effect as well as the 0.29 acres of TVA fee-owned land included in the easement. The initial draft report failed to meet the the Scope of Work (SOW) submitted by TVA. In consultation with your office (letters dated October 18 and 23, 2002), TVA requested additional testing and report revisions for the project. Specifically, our initial concern was that Greenhouse Consultants, Inc. failed to identify the potential for buried deposits as was requested in the SOW document submitted to your office in our October 18th letter. We also disagreed with Mr. Matthews' recommendations of eligibility status for both 40DR102 and 40DR226.

Our office has received a copy of the revised draft report titled "Cultural Resources Survey, Archaeological Testing and Geomorphic/Geoarchaeological Field Assessment Forrest Crossing Real Estate Development Kentucky Lake, Decatur County, Tennessee." In response to our request, buried site testing was conducted by Dr. Sarah Sherwood of the University of Tennessee under contract with Greenhouse Consultants, Inc. for the entire 40 acre tract. This assessment confirmed that buried archaeological deposits are present at 40DR226 and are likely to be present in other areas along the river terrace. Dr. Sherwood's report is included as an appendix to the enclosed report. Based on this initial assessment, Dr. Sherwood recommended that buried site testing be conducted along this terrace prior to any ground disturbing activity that might take place as a result of this development.

Based on the results of the geomorphological assessment, Mr. Matthews has recommended 40DR226 eligible for the National Register of Historic Places (NRHP) and that Phase II testing be conducted to determine the exact boundaries of the site. He recommended 40DR102 as ineligible based on his initial testing and field observations. His final recommendation was that no further work was necessary on the remaining portion of the property (outside the boundary of 40DR226). |

TVA has reviewed the report and disagrees with the following findings and determinations by the report author:

- *40DR102 is not eligible for listing in the NRHP due to erosion and agricultural use.* TVA has determined that 40DR102 may contain buried site deposits as it is located along the terrace identified by Dr. Sherwood as having the potential to yield deeply buried archaeological deposits. Based on these findings, TVA has determined that further testing will be required to determine the eligibility status of 40DR102.
- *No additional sites are present within the project's APE.* Trenches excavated by Dr. Sherwood identified additional buried archaeological deposits in Trench 5 (see Figure 12 of Appendix A to the report).
- *No further work would need to be conducted on the remaining portion of the property (outside of 40DR226).* Testing conducted by Dr. Sherwood identified the potential for buried deposits to be present along the entire length of the river terrace (all portions of the property other than the area designated in yellow on Figure 12 of Appendix A of the report).

TVA agrees with the author that 40DR226 is eligible for the NRHP and should be avoided. Phase II testing will be required to determine the exact boundaries of the site. We further agree with Dr. Sherwood's recommendation that all areas identified as having a potential for buried deposits should be further tested to identify all buried sites present within the APE for the project.

TVA has determined that the proposed 3100 linear feet of linear riprap will have no effect on historic properties under the following conditions:

- No bank reshaping is conducted.
- Any vegetation removed would be cut above ground and by hand.
- Work is conducted in dry soil conditions.

We have determined that the proposed development (i.e. road construction, buried utilities, and aerial lines as well as any future activities that may occur as a result of this development) has the potential to affect potentially eligible site 40DR102, eligible site 40DR226 as well as additional buried sites they might be present within the APE. Deep testing will be required to determine if additional archaeological sites are present within the project area. |

Pursuant to 36 CFR § 800.4(b)(2), TVA recommends that a phased process to conduct identification, evaluation efforts, and treatment measures would be put into place for archaeological sites within a revised APE (see Figure 1). It is our opinion that execution of these efforts would best be implemented under a Memorandum of Agreement (MOA). Although initial Phase I testing has identified two archaeological sites present within the APE, additional identification level survey (i.e. buried site testing) will need to be conducted to determine if additional sites are present. Phased identification and evaluation efforts would be implemented in consultation with the Tennessee State Historic Preservation Officer and other consulting parties under the proposed MOA.

By this letter, TVA:

- is seeking your comments on our determinations regarding the findings and recommendations of the enclosed report, the proposed phased process to identify and evaluate historic properties present within a revised APE, and the execution of a MOA to ensure the conduct of that phased process; and
- is inviting the Chickasaw Nation to be a concurring party to the MOA should this document be executed.

Please review your records and documentation within the project area regarding historic properties that you have attached religious or cultural significance. If you have any questions or comments, please contact Erin Pritchard (865) 632-1753 or myself (865) 632-1583.

Sincerely,

J. Bennett Graham
Manager and
Senior Archaeologist
Cultural Resources

ENCLOSURES



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
Regulatory Branch
3701 Bell RD
Nashville, TN 37214
April 14, 2003

RECEIVED
Environmental Policy and Planning

APR 24 2003

IC Type: _____
Index Field: _____
Project Name: _____

IN REPLY REFER TO

Regulatory Branch

SUBJECT: Comments on Draft Environmental Assessment for Proposed Activities by Dr. James Lee at Tennessee River Mile 157.5, Left Bank, Kentucky Lake, Decatur County, Tennessee

Mr. Jon M. Loney
Tennessee Valley Authority
NEPA Administration
Environmental Policy and Planning
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Dear Mr Loney

The effects of the proposed work on areas of interest or programs administered by this office have been previously addressed in the Corps' Final Environmental Assessment Statement of Findings and Findings of No Significant Impact for our File No. 200201444, proposed riprap bank stabilization for Dr. James Lee.

Thank you for giving us a chance to comment on the Draft Environmental Assessment concerning the proposed work by Dr. James Lee. If you have any questions or comments contact me at the above address or phone (615) 369-7503.

Sincerely,

Floyd M. Carnes
Project Manager
Operation Division



27 Conrad Drive
Suite 150
Jackson, Tennessee 38305-2950
731-668-7112
731-668-6421
swtdd@swtdd.org

Evelyn C. Robertson, Jr., Executive Director

Dennis Ray McDaniel, Chairman

Mike Smith, Vice Chairman

Troy Kilzer, Secretary-Treasurer

CHESTER DECATUR HARDEMAN HARDIN HAYWOOD HENDERSON MADISON MCNAIRY

April 21, 2003

Mr. Jon M. Loney, Manager
NEPA Administration
Environmental Policy and Planning
Tennessee Valley Authority
400 W. Summit Hill Drive
Knoxville, TN 37902-1499

Mr. Loney:

I have reviewed the draft EA for the proposed Forrest Crossing Development Tennessee River mile 157.9L Decatur County, Tennessee.

I believe the development of the RV campground within the limits of the 100-year floodplain would not result in permanent adverse environmental impacts as long as development follows TVA guidelines of road fill, ROW widths and RV occupation. The draft EA views the RV "units" as temporary, seasonal living quarters that must be evacuated under threat of flooding.

We appreciate the opportunity for comment. Please refer further correspondence to the undersigned. My phone # is 731-668-6408, fax 731-668-6421.

Sincerely,

L. Frank Zerkow
Wildlife Biologist
SWTDD

CF: R. Lowe, TVA Ky Reservoir



United States Department of the Interior

OFFICE OF THE SECRETARY

OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE

Richard B. Russell Federal Building

75 Spring Street, S.W.

Atlanta, Georgia 30303

ER 03/333

April 21, 2003

Stanford E. Davis
Tennessee Valley Authority
400 West Summit Hill Drive
WT 8C
Knoxville, TN 37902

RE: Draft Environmental Assessment, Forrest Crossing RV Campground

Dear Mr. Davis:

The Department of the Interior has reviewed the referenced document and we offer the following comments for your consideration.

The proposed project consists of a RV park on a TVA reservoir situated on tribal lands of the Eastern Band of the Cherokee. TVA has an agreement with the Bureau of Indian Affairs (BIA) and the Cherokees for protection of cultural sites. The TVA should continue your close coordination with the BIA and the tribe during the planning process to reduce or eliminate impacts to these important cultural sites.

can be reached at 404-331-4524 if you have any questions.

Sincerely,

Gregory Hogue
Regional Environmental Officer

cc:
FWS, R4
BIA, ERO
OEPC, WASO



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

March 27, 2003

APR - 2003

Dr. Lee A. Barclay
Field Supervisor
U.S. Fish and Wildlife Service
446 Neal Street
Cookeville, Tennessee 38501

OPTIONAL FORM 98 (7-90)

FAX TRANSMITTAL

4/24/03

of pages 1

To: <i>Stan Davis, Ranger</i>	From: <i>Wally Brines</i> USFWS
Dept./Agency: <i>TVA</i>	Phone #: <i>931-528-6481 ext 222</i>
Fax #: <i>865-632-6855</i>	Fax #: <i>931-642-0954</i>
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION	

Dear Dr. Barclay:

DRAFT ENVIRONMENTAL ASSESSMENT (DEA)—REQUEST FOR PERMANENT EASEMENT FOR ROAD AND UTILITIES RIGHT-OF-WAY (ROW) ACROSS TVA LAND AND SECTION 26a PERMIT FOR ROAD, UTILITIES, SHORELINE STABILIZATION AND TO CONSTRUCT RECREATIONAL VEHICLE CAMPING LOTS ON PRIVATE PROPERTY, FORREST CROSSING DEVELOPMENT, KENTUCKY RESERVOIR, SALE TRACT NO. XGIR-940H (PLANNED TRACT NO. 262PT), TENNESSEE RIVER MILE 157.9L, DECATUR COUNTY, TENNESSEE

Enclosed for your review and comment is a DEA on Dr. James M. Lee's request that TVA grant him a permanent easement and approve a Section 26a permit for the construction, use and maintenance of a road and aerial and underground utilities right-of-way across TVA land on Kentucky Reservoir, Decatur County, Tennessee. The land would be used to access his property for the construction and sale of RV camping lots. Dr. Lee also wants to place approximately 11,722 cubic yards of limestone riprap between elevations 359.0 and 378.0 mean sea level (msl) along about 3100 feet of his land on Kentucky Reservoir's shoreline to control erosion.

Please note that TVA has determined that the project would have no effect on federally-listed endangered or threatened species. However, the proposed undertaking would have potential adverse effects on archaeological resources that are eligible or potentially eligible for listing in the National Register of Historic Places. TVA is developing a Memorandum of Agreement (MOA) for the identification, evaluation, phased assessment, and treatment of adverse effects on listed or eligible NRHP historic resources.

We would appreciate receipt of your comments by April 25, 2003. Should you have any questions, contact Stanford E. Davis at (865) 632-2915 or sedavis2@tva.gov.

Sincerely,

Jon M. Loney, Manager
NEPA Administration
Environmental Policy and Planning

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

Lee A. Barclay
Field Supervisor
U.S. Fish and Wildlife Service
Cookeville, TN 38501

4/24/03
Date

Enclosure

cc B stan



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

RECEIVED
Environmental Policy and Pl.

MAY 02 2003

Doc Type: EA- Administrative Record
Index Field: Agency Comment
Subject Name: _____
Project No.: _____

2003-57

Forrest Crossing RV Campground

April 24, 2003

Mr. John Loney
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, FORREST CROSSING DEVELOPMENT, UNINCORPORATED,
DECATUR COUNTY

Dear Mr. Loney:

Pursuant to your request, this office has reviewed the Draft Environmental Assessment concerning the above-referenced undertaking. This is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering available information, and in accordance with the Memorandum of Agreement being drafted for this project, we find that as currently proposed it will not adversely affect any property that is eligible for listing in the National Register of Historic Places. Therefore, this office has no objection to the implementation of this project upon signature of the Memorandum of Agreement by all proposed signatories. Please direct questions and comments to Jennifer M. Barnett (615) 741-1588. We appreciate your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jmb

Davis, Stanford E.

From: Davis, Stanford E.
Sent: Monday, May 05, 2003 4:07 PM
To: 'Rena Duncan'
Cc: Haskell Alexander; Loney, Jon M.; Draper, Harold M.; Pritchard, Erin E.
Subject: RE: Forrest Crossing Development EA

Ms Duncan,

Thanks for your May 1 email (below) and your continued participation in this project review.

I understand that the initial consultation on the project occurred with The Honorable Bill Anoatubby in a letter from Bennett Graham dated January 27, 2003. Also, you received a copy of the draft Memorandum of Agreement (MOA) on March 10 pursuant to 36 CFR Section 800.4(b)(2) and 800.6(b)(1)(iv) from Erin Pritchard. TVA's Cultural Resources (CR) staff did not receive comments from you at that time and, therefore, assumed you concurred with the MOA's contents as drafted. In response to your requests to be a concurring party on the Forrest Crossing MOA, you will be receiving additional information from CR in near future.

As a recipient of the March 27, 2003 intergovernmental review draft environmental assessment (DEA), you will also be forwarded a copy of the final EA once it's published

Please direct any questions to Stan Davis at 865/632-2915 or Erin Pritchard at 865/632 1753.

Jon Loney, Manager
NEPA Administration

-----Original Message-----

From: Rena Duncan [mailto:Rena.Duncan@chickasaw.net]
Sent: Thursday, May 01, 2003 10:22 AM
To: Davis, Stanford E.
Cc: Haskell Alexander
Subject: Forrest Crossing Development EA

Mr. Jon Loney, Manager
NEPA Administrator
Environmental Policy and Planning

Mr. Loney,

Please accept this missive regarding requested comments we may have about the Forrest Crossing Development EA and the potential adverse effect on archaeological resources eligible or potentially eligible for listing in the National Register of Historic Places. These lands are within the Chickasaw cessions and are a part of our ancestral homelands. We are very interested in the protection of those sites and their preservation in place.

The Chickasaw Nation should be a consulting party to the proposed MOA. We look forward to hearing from you in the near future regarding this extremely important issue

If you have any questions regarding this matter, please contact Ms 'Rena' Duncan, historic preservation officer, at (580) 332-8685.